GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

B.C.Welfare Department – Appeal petition filed by Sri N.Kaviyarasan, S/o N.Vasanthan, Chittoor District against the proceedings of the District Collector, Chittoor District under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993 – Appeal petition rejected – Orders – Issued.

BACKWARD CLASSES WELFARE (C) DEPARTMENT

G.O.MS.No. 40 Dated: 03-11-2016

Read the following :

1. Proceedings of the District Collector & Magistrate, Chittoor District No. D.Dis.C3/2082/2013, dt.27.06.2014.
2. Appeal Petition filed by N. Kaviyarasan, S/o. N.Vasanthan, Chittoor District, dt.19.07.2014.
3. Govt. Memo.No. 2061/C/A2/2014, dt.31.07.2014.
4. Hon'ble A.P. High Court order dt. 19.09.2014 in W.P.No.28050/2014 filed by N. Kaviyarasan, S/o. N.Vasanthan, Hindi Pundit,R/o.10/128, Ankesettu Street, Oldpet, Palamaner Town and Mandal, Chittoor District.
5. From the Dist.Collector, Chittoor, Roc.C3/4651/2014, Dt.08.10.2014.
6. Hon'ble A.P. High Court order dt. 17.04.2015 in W.P.No.11141/2015 filed by K. Vani Sailaja, D/o. K. Rajanna, D.No. 15-06-A1, C.T.M. Road, Madanapally, Chittoor District, A.P.
7. Hon'ble A.P. High Court Show Cause Notice CC No.1140/2016 filed by K. Vani Sailaja, D/o. K. Rajanna, D.No. 15-06-A1, C.T.M. Road, Madanapally, Chittoor District, A.P.
8. Government Memo No.2061/C/A2/2014, Dated.18.08.2016.

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ORDER :

In the reference 1st read above the District Collector, Chittoor District has issued orders cancelling BC-Vanyakulakshetriya Caste Certificate issued in favour of Sri N.Kaviyarasan, S/o Vasanthan, by the then Mandal Revenue Officer / Tahasildar, Palamaner, Chittoor District.

2. In the reference 2nd read above, Sri N.Kaviyarasan, S/o N.Vasanthan, Chittoor District has filed an appeal petition before the Government, against the said proceedings of the District Collector, Chittoor District. After examining the said Appeal petition, Government have admitted the Appeal Petition and called for the para-wise remarks and connected records from the District Collector, Chittoor vide reference 3rd read above.

3. In the reference 5th read above, the District Collector, Chittoor has furnished the parawise remarks and connected records on the Appeal Petition filed by Sri N.Kaviyarasan, S/o N.Vasanthan.

4. In the reference 4th read above, Sri N.Kaviyarasan, S/o N.Vasanthan, Hindi Pundit, R/o.10/128, Ankesettu Street, Oldpet, Palamaner Town and Mandal, Chittoor District filed a Writ Petition No. 28050 / 2014 in the Hon'ble High Court of A.P. seeking directions to the first respondent i.e., Govt., of A.P. represented by its Prl.Secretary to Government, B.C.Welfare Department to dispose off the Appeal dated: 19.07.2014 against the orders dated: 27.06.2014 passes by the Collector and District Magistrate, Chittoor District, Chittoor.

5. The Hon'ble High Court of A.P. Hyderabad after hearing the Writ Petition, directed the 1st respondent i.e., Government of AP represented by its Prl.Secretary to Government, B.C.Welfare Department to dispose off the appeal filed by the Sri N. Kaviyarasan within a period of two months from the date of receipt of a copy of this order and the petitioner shall not be terminated from service in pursuance to the show cause notice dated 09.09.2014 pending disposal of the appeal before the Government.

PTO

6. In the reference 6th read above, K. Vani Sailaja, D/o. K. Rajanna, Madanapally, Chittoor District, A.P. has filed a Writ Petition No.11141/2015 seeking directions to dispose off the appeal filed by the Sri N. Kaviyarasan as per the orders of the Hon'ble High Court in W.P.No. 28050/2014 dt. 19.09.2014 since her rights are deprived adversely due to delay in disposing off the appeal.

7. The Hon'ble High Court of A.P. Hyderabad, in CC No. 1140/2016 filed by Smt. K.Vani Sailaja, D/o. K.Rajanna directed the respondent to show cause either appearing in person or through advocate duly instructed on 19.08.2016 to which date the case stands posted for hearing, failing wherein, the said case will be heard and determined ex-parte.

8. The said Appeal Petition has been posted for hearing on 16.02.2015, 29.02.2016, 31.05.2016, 05.08.2016 & finally on 08.08.2016 and the same has been informed to the Appellant with a request to attend for the hearing on the said date with relevant records and present the case in person or through authorised Counsel.

9. In the reference 8th read above, Government after examining the material evidence with reference to facts and circumstances related to the Appeal Petition, have ordered to kept the impugned proceedings issued by the District Collector, Chittoor in the reference 1st read above in abeyance until further orders by disposing the appeal petition filed by Sri N.Kaviyarasan, S/o N.Vasanthan.

10. After examination of the records / the copies of evidences / academic record/ grounds filed by the appellant / the parawise remarks submitted by District Collector, Chittoor and proceedings of the District Collector, Chittoor dated.27.06.2014 and after hearing of the arguments the following points on the community claim of Sri N.Kaviyarasan, S/o N.Vasanthan are observed by the Appellate Authority.

i. Sri N.Nandeswar Gounder who is the grand father of Sri N.Kaviyarasan , is a native of Gudiyatham of Tamilnadu State, that the elders of Sri N.Kaviyarasan belong Gudiyatham to Tamilnadu State.

ii. On the traditions of the caste in and around Palamaner mandal of Chittoor District and found that there is no distinguished tradition to the people of Gounder, that the people belongs to Gounder are doing cultivation and working as Agricultural Labour at Baippagaripalle, Chethapenta, Kalavapalle Village of Palamaner Mandal who are migrated permanently from Gudiyatham Taluk of Tamil Nadu State. There is no such culture of treating the people of Gounder as Vanyakulakshathriya.

iii. There is no "Gounder" caste is listed neither in SC, ST and BC lists notified by the Government of AP. More over "Vanyakulakshtriya" is not a substitute caste to "Gounder" caste as per BC list of Government of AP.

iv. On verification of School records i.e., Transfer Certificate from 1st standard to upto his completion of Hindi Pundit training , it is reveals that, he is belongs to Indian – Hindu – Gounder, but not "Vanyakulakshatriya – BC.

v. The DLSC, after due enquiry into the matter and taking into consideration of the material evidence of the record and enquiry report of Sub-Collector, Madanapalli of Chittoor District and Joint Committee has recommended for cancellation of "Vanyakulakshatriya" BC caste certificate issued to the appellant.

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11. Government after re-examining the entire matter, further observed that, the appellant has clearly admitted that he belongs to Gounder community and claims that Gounder Community is equivalent to Vannikulakshtriya in Andhra Pradesh. Even if it is assumed that Gounder Community also deserves benefits under BC reservation, such benefit cannot be extended till it is done through a proper process by the competent authority and notified by Government. The benefit of BC reservation cannot be extended till the time the said Gounder caste is included in the BC notified list or it is declared as equivalent to Vannikulakshtriya through proper notification. Hence, such benefit cannot be given to the appellant by the Government in this case.

12. In supersession of the orders issued in the reference 8th read above, and also in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Caste, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993), decided that the Appeal Petition filed by Sri N.Kaviyarasan, S/o N.Vasanthan does not deserve any interference. Hence Proceedings of the District Collector, Chittoor District issued vide Proceedings No.D.Dis.C3/2082/2013, dt. 27.06.2014 is hereby upheld and the Appeal Petition filed by Sri N.Kaviyarasan, S/o N.Vasanthan is hereby dismissed.

13. The District Collector, Chittoor District shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The District Collector, Chittoor District.
Sri N.Kaviyarasan, S/o N.Vasanthan, R/o.10/128, Ankesettu Street, Oldpet,
Palamaner Town and Mandal, Chittoor District.
Smt K.Vani Sailaja, D/o, K.Rajanna, D.No.15-06-A1,C.T.M.Road,
Madanapally, Chittoor District.A.P.

Copy to
The Director, B.C.Welfare, A.P., Vijayawada.
The Member Secreary, A.P.Commission for BCs, Vijayawada.
The Government Pleader for Social Welfare (BCW), High Court of A.P.,
The OSD to Minister (BCW)
The PS to Prl.Secretary to Government, BCW Dept.,
SF / SC

//FORWARDED :: BY ORDER//

SECTION OFFICER